

METROPOLITAN COURT FORMS

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
IN THE METROPOLITAN COURT

STATE OF NEW MEXICO,

Plaintiff,

vs.

T-4-FR-20____ - _____

Defendant.

**WAIVER OF PRELIMINARY HEARING
AND/OR
PRESENTATION TO THE GRANDY JURY**

I have been informed of the criminal charges against me and of my right to have a preliminary hearing or presentation to a grand jury upon those charges.

I do hereby freely and voluntarily waive my right to a preliminary hearing and presentation to a grand jury.

I intend to apply for admission to the District Attorney's Pre-Prosecution Diversion Program (PPD). If I do not complete PPD or am otherwise not admitted into PPD, a Criminal Information will be filed and prosecution of the charges against me will continue.

Date

Defendant's signature

Date

Attorney for Defendant's signature

DISTRICT COURT FORMS

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
IN THE DISTRICT COURT

STATE OF NEW MEXICO,

Plaintiff,

T-4-FR-20__ - _____

D-202-CR-20__ - _____

vs.

Defendant.

**Waiver of Preliminary Hearing and Presentation to a Grand Jury
Waiver of Time Limit for Filing Criminal Information or Indictment,
Waiver of Time Limit for Arraignment**

I, _____, understand that I am charged with crimes as charged in T-4-FR-20__ - _____.

I understand that I have the right to have a preliminary hearing or presentation to a grand jury in this case.

I understand that pursuant to Rule 5-201 of the Rules of Criminal Procedure for the District Courts, I have the right to have a criminal information filed in this matter in district court within thirty (30) days after the completion or waiver of a preliminary hearing.

I understand that pursuant to Rule 5-303 of the Rules of Criminal Procedure for the District Courts, I am to be arraigned within fifteen (15) days after the date of the filing of the information or indictment and I am entitled to personally appear before the district court and enter my plea to the crime or crimes charged and to have my rights explained to me.

I hereby acknowledge receipt of a copy of the complaint, indictment or information which I have read and had explained to me by my attorney. I understand the crime(s) charged and the penalty provided by law for the crime(s) charged.

I further understand that: I have the right to trial by jury and that all jurors must agree on my guilt of the crime(s) charged beyond a reasonable doubt for me to be found guilty; I have the right to the assistance of an attorney at all stages of the proceeding, and to an appointed attorney, to be furnished free of charge, if I cannot afford one; I have the right to confront the witnesses against me and to cross-examine them as to the truthfulness of their testimony; I have the right to present evidence on my own behalf and to have the state compel witnesses of my choosing to appear and testify; I have the right to remain silent and that any statement made by me may be used against me; I have the right to a speedy trial.

I intend to apply for admission to the District Attorney's Pre-Prosecution Diversion Program (PPD). No one has promised me that I will complete PPD. I understand that if I am terminated from PPD after being accepted, prosecution of the charges against me will continue. This Waiver will be filed in District Court along with a criminal information upon my rejection or termination from PPD.

After reading and understanding the above, I hereby waive the right to a preliminary hearing or presentation to a grand jury; I hereby waive the time limit for filing of a criminal information or indictment; I hereby waive the time limit for arraignment.

Date Defendant Printed Name Defendant Signature

I have explained to the defendant his/her right a preliminary hearing or presentation to a grand jury, his/her right to have a criminal information or indictment filed; his/her right to be arraigned within fifteen (15) days of the filing of the information or indictment, his/her right to personally appear before the district court to enter a plea of not guilty and to have his/her rights explained to him/her by the judge, his/her right to a speedy trial, and I am satisfied that he/she understands the waiver of these rights.

Date Counsel for Defendant Name Counsel for Defendant Signature

I agree that the defendant can be admitted to the District Attorney's Pre-Prosecution Diversion Program.

Date Attorney for the State Name Attorney for the State Signature

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
IN THE DISTRICT COURT

STATE OF NEW MEXICO,

Plaintiff,

T-4-FR-20__ - _____

D-202-CR-20__ - _____

vs.

Defendant.

STIPULATED MOTION AND ORDER STAYING CASE
FOR PRE-PROSECUTION DIVERSION

THIS MATTER having come before this Court on Stipulated Motion of the Parties, and it appearing to the Court that defendant has been accepted into the Pre-Prosecution Diversion Program by the Second Judicial District Attorney, and with good cause, this Court **ORDERS** the following:

IT IS THEREFORE ORDERED, that this prosecution be and same hereby is suspended, subject to reinstatement if the defendant is terminated for failure to complete the Pre-Prosecution Diversion Program.

IT IS FURTHER ORDERED that any bond posted in this cause is hereby released, and the Court Clerk is ordered to return any cash bond to the person having posted the bond.

DISTRICT COURT JUDGE

Submitted by:

Assistant District Attorney

Defense Counsel